

# EXHIBIT LIST

## EXHIBIT A

Affidavit of Service, Special Process Server

## EXHIBIT B

Sworn Declaration Pursuant To 28 U.S.C.A. § 1746  
James Rosemeyer, Contributions Manager

## EXHIBIT C

Sworn Declaration Pursuant To 28 U.S.C.A. § 1746  
Daniel P. McAnally, Plaintiffs Attorney

# Exhibit A

**Exhibit A**

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

TRUSTEES of the REGIONAL COUNCIL OF  
CARPENTERS PENSION FUND, WELFARE FUND  
and APPRENTICE & TRAINEE PROGRAM FUND

CASE NUMBER:

**08 C 791**

V.

ASSIGNED JUDGE:

DOUGLAS G. PAICE individually and d/b/a  
DRYWALL, INC., a sole proprietorship

DESIGNATED  
MAGISTRATE JUDGE:

**JUDGE DARRAH  
MAGISTRATE JUDGE KEYS**

TO: (Name and address of Defendant)

DOUGLAS G. PAICE  
1621 STONE RIDGE LANE  
ALGONQUIN, IL 60102-6637

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

DANIEL P. McANALLY  
WHITFIELD McGANN & KETTERMAN  
111 E. WACKER DRIVE  
SUITE 2600  
CHICAGO, IL 60601

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk



(By) DEPUTY CLERK

**February 6, 2008**

Date



ClientCaseID: N7600/DPM  
Law Firm ID: WHITFIEL



CaseReturnDate: 3/14/08

Affidavit of Special Process Server

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**UNITED STATES DISTRICT COURT**

Case Number **08C791**

I, **LARRY E. BIELA**

FIRST DULY SWORN ON OATH STATES THAT I AM OVER 18 YEARS OF AGE AND NOT A PARTY TO THIS SUIT AND IS A REGISTERED EMPLOYEE OF ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION PRIVATE DETECTIVE AGENCY #117-001292 STERN PROCESS & INVESTIGATION LLC 205 W. RANDOLPH ST. #1210 CHICAGO IL 60606

**PERSONAL SERVICE**

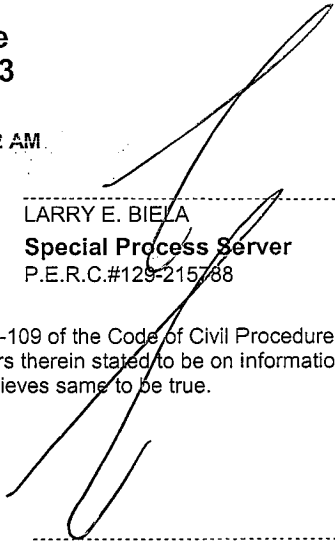
THAT I SERVED THE WITHIN **SUMMONS AND COMPLAINT**  
ON THE WITHIN NAMED DEFENDANT **Douglas G. Paice d/b/a Drywall, Inc.**  
BY LEAVING A COPY OF EACH WITH THE SAID DEFENDANT PERSONALLY **2/21/08**

That the sex, race and approximate age of the person whom I left the **SUMMONS AND COMPLAINT**  
are as follow: Sex **MALE** Race **WHITE** Age **45**

Height **6'3** Build **MEDIUM** Hair **BROWN**

LOCATION OF SERVICE **1621 Stone Ridge Lane**  
**Algonquin, IL, 60102-663**

Date Of Service **2/21/08** Time of Service **8:12 AM**

  
LARRY E. BIELA  
**Special Process Server**  
P.E.R.C.#129-215788

2/21/2008

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statement are true and correct, except as to matters therein stated to be on information and belief and such matters the undersigned certifies as aforesaid that he/she verily believes same to be true.

# Exhibit B

**Exhibit B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL  
COUNCIL OF CARPENTERS PENSION  
FUND, et al.

Plaintiffs,

v.

DOUGLAS G. PAICE individually and d/b/a  
DRYWALL, INC., a sole proprietorship

Defendant.

Case No. 08 C 791

Judge Darrah

SWORN DECLARATION PURSUANT TO 28 U.S.C.A. § 1746

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James Rosemeyer declares as follows:

1. I am the Manager of the Employer Contributions Department for the Chicago Regional Council of Carpenters Pension Fund and the Chicago Regional Council of Carpenters Welfare Fund ("Trust Funds") and in such capacity I am authorized to make this Declaration on behalf of the Trust Funds.

2. The Defendant executed an Agreement with the Chicago and Northeast Illinois Regional Council of Carpenters ("Union") whereby it agreed to be bound by the provisions of a Collective Bargaining Agreement and to all Collective Bargaining Agreements subsequently negotiated.

3. Pursuant to the provisions of the Agreement and the Collective Bargaining Agreements, the Defendant agreed to be bound by the provisions of the Agreements and Declarations of Trust, which created the Plaintiffs' Trust Funds.

4. Pursuant to the provisions of the Collective Bargaining Agreements and Trust Agreements, the Defendant is required to submit monthly reports which list the number of hours worked by its carpenter employees and the Defendant is required to pay contributions based upon the hours listed.

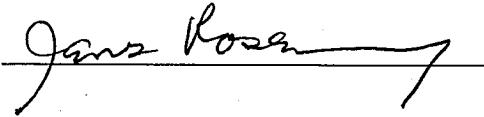
5. The Defendant failed to submit the monthly reports despite several requests to do so. As a result an estimate was performed based upon the prior 3 month reporting period average. As a result the ERISA contributions claimed to be owed is \$22,330.88 for the months of June 2007 through December 2007. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of estimated dues withheld is \$1,618.56 for the period June 2007 through December 2007.

6. Because of its failure to pay contributions in a timely manner, the Trust Agreement and Collective Bargaining Agreement mandate the assessment of liquidated damages. The liquidated damages calculation was based on the rate set forth in the controlling Trust Agreements, which is 1.5% compounded per month. The amount of liquidated damages owed is \$2,055.97 for the period June 2007 through December 2007.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Declaration is true and correct.

Date: June 10, 2008

Signature:

A handwritten signature in cursive script, appearing to read "Jane Rosen", is written over a horizontal line.

23627 DRYWALL INC  
27992 W.ROUTE 120  
UNIT 24  
LAKEMOOR IL 60051

## ESTIMATED AMOUNTS OWED

	FRINGES	DUES	LD'S
Jun-07	\$3,011.84	\$227.88	\$431.90
Jul-07	\$3,011.84	\$227.88	\$381.00
Aug-07	\$3,011.84	\$227.88	\$330.70
Sep-07	\$3,011.84	\$227.88	\$281.31
Oct-07	\$3,427.84	\$235.68	\$263.94
Nov-07	\$3,427.84	\$235.68	\$210.47
Dec-07	\$3,427.84	\$235.68	\$156.65
 TOTAL	 \$22,330.88	 \$1,618.56	 \$2,055.97

TOTAL AMOUNT DUE \$26,005.41



# Exhibit C

**Exhibit C**

6. In addition, the filing fee was \$350.00 and the fees for service of process were an additional \$55.00. These costs total \$405.00.

7. I certify that the attached detailed attorney fees and costs totaling \$1,918.75 were necessary and reasonable.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Declaration is true and correct.

Date: June 10, 2008

s/ DANIEL P. McANALLY

Attorney for the Trustees of the Chicago  
Regional Council of Carpenters Pension Fund,  
et al.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL  
COUNCIL OF CARPENTERS PENSION  
FUND, et al.

Plaintiffs,

Case No. 08 C 791

Judge Darrah

V.

DOUGLAS G. PAICE individually and d/b/a  
DRYWALL, INC., a sole proprietorship

Defendant.

SWORN DECLARATION PURSUANT TO 28 U.S.C.A. § 1746

Daniel P. McAnally declares as follows:

1. I am an associate of the law firm of Whitfield & McGann and am licensed to practice law in the State of Illinois and in the U.S. Dist. Court for Northern District of Illinois, Eastern Division.

2. I have personal knowledge of the facts stated herein and if called to testify in this matter, I can competently testify to such facts from my own such knowledge.

3. I have in excess of 15 years experience representing trustees of employee benefit plans, including the prosecution of Federal Court litigation to collect delinquent employer contributions.

4. The Collective Bargaining Agreement and the Trust Agreements under which this action is based provide for the payment of attorneys' fees and costs incurred if the Trust Funds utilize legal counsel to collect unpaid ERISA contributions.

5. I have devoted 8.65 hours in connection with the this case at the rate of \$175.00 per hour. The total attorney fees billings is \$1,513.75.

6/10/2008  
11:52 AMWHITFIELD, McGANN & KETTERMAN  
Slip Listing

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## Selection Criteria

Case (hand select) Include: CTF-C./N7600/23627  
 Slip Classification Open  
 Case (hand select) Include: CTF-C./N7600/23627  
 Slip Transaction Ty 1 - 1

Rate Info - identifies rate source and level

Slip ID	Dates and Time	Posting Status	Description	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
353309	TIME			DPM	0.75	175.00	131.25
	2/4/2008			Billable	0.00	T@7	
	Billed	G:73021	3/3/2008	CTF-C./N7600/23627	0.00		
			Review referral from Trust Funds; prepare database and load information regarding case facts, history and legal strategy. Prepare/ Open file for litigation; review corporate status and registered agent information for legal process.		0.00		
353310	TIME			DPM	2.00	175.00	350.00
	2/5/2008			Billable	0.00	T@7	
	Billed	G:73021	3/3/2008	CTF-C./N7600/23627	0.00		
			Prepare summons, complaint, appearance forms and civil cover sheet for Trust Funds' claims and compliance matters pursuant to ERISA Sec. 1132, 1145 and Taft-Hartley Act Sec. 301.		0.00		
353311	TIME			DPM	0.50	175.00	87.50
	2/6/2008			Billable	0.00	T@7	
	Billed	G:73021	3/3/2008	CTF-C./N7600/23627	0.00		
			Prepare the complaint, summons, civil cover sheet and appearance for electronic filing; file the documents.		0.00		
353312	TIME			DPM	0.40	175.00	70.00
	2/7/2008			Billable	0.00	T@7	
	Billed	G:73021	3/3/2008	CTF-C./N7600/23627	0.00		
			Review complaint filed at the Federal Court; load information regarding the filing date, case number and assigned judge into the database; review (via the Internet) the judge's standing order regarding pre-trial litigation, motion practice and status hearing dates; update file / database regarding same.		0.00		
353313	TIME			DPM	1.00	175.00	175.00
	2/8/2008			Billable	0.00	T@7	
	Billed	G:73021	3/3/2008	CTF-C./N7600/23627	0.00		

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11:53 AMWHITFIELD, McGANN & KETTERMAN  
Slip Listing

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Slip ID	Dates and Time	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
	Description				
	Prepare correspondence to legal process server Scott Forrest Stern & Associates, Inc. regarding service of the summons and complaint on the defendant; prepare correspondence to James Rosemeyer, ERISA Contributions Manager, Chicago District Council of Carpenters' Trust Funds regarding the filling of the complaint; enclose copy of the summons and complaint; docket follow-up dates for service.		0.00		
354455	TIME	DPM	0.50	175.00	87.50
3/7/2008		Billable	0.00	T@7	
Billed	G:73209 4/2/2008	CTF-C./N7600/23627	0.00		
	Draft correspondence to James Rosemeyer, ERISA Contributions Manager, Chicago District Council of Carpenters' Trust Funds requesting a breakdown of all ERISA fringe benefit contributions owed and the accompanying calculation of liquidated damages and interest pursuant to the terms of the trust agreements and Internal Revenue Code.		0.00		
354454	TIME	DPM	0.40	175.00	70.00
3/7/2008		Billable	0.00	T@7	
Billed	G:73209 4/2/2008	CTF-C./N7600/23627	0.00		
	Review Scott Forrest Stern & Assoc., Inc.'s report on service of the summons and complaint; review process server remarks regarding details of service; review affidavit of service for legality; electronically file the proof of service with the clerk of the U.S. Dist. Court for the Northern Dist. of Illinois; docket follow-up dates for Answer due date.		0.00		
354456	TIME	DPM	0.25	175.00	43.75
3/12/2008		Billable	0.00	T@7	
Billed	G:73209 4/2/2008	CTF-C./N7600/23627	0.00		
	Review e-mail sent by the U.S. Dist. Court for the Northern Dist. of Illinois regarding SUMMONS Returned Executed by Trustees of the Chicago Regional Council of Carpenters Pension Fund, Chicago Regional Council of Carpenters Welfare Fund, Chicago Regional Council of Carpenters Apprentice & Trainee Program Fund as to Douglas G. Paice on 2/21/2008, answer due 3/12/2008; download documents to the file folder; print document and enclose in file.		0.00		

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Slip Listing

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Slip ID	Dates and Time	Posting Status	Description	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
357556	5/9/2008	TIME	Billed	DPM Billable CTF-C./N7600/23627	0.30 0.00 0.00	175.00 T@7	52.50
			G:73573 6/2/2008 Telephone conference with Trust Fund employee, Richard Oginski regarding status; discussed status of the litigation and future action to be taken; discussed status of the company; telephone conference with trust fund contributions manager, James Rosemeyer regarding same.				
357569	5/9/2008	TIME	Billed	DPM Billable CTF-C./N7600/23627	0.10 0.00 0.00	175.00 T@7	17.50
			G:73573 6/2/2008 Telephone conference with trust fund contributions manager, James Rosemeyer; will proceed with an estimate.				
359378	6/6/2008	TIME	WIP	DPM Billable CTF-C./N7600/23627	0.25 0.00 0.00	175.00 T@7	43.75
			Review correspondence from Trust Fund employee, Richard Oginski regarding the amounts owed and calculation of liquidated damages and interest pursuant to the terms of the trust agreements and Internal Revenue Code; download the documents, print and enclose in the file.				
359380	6/9/2008	TIME	WIP	DPM Billable CTF-C./N7600/23627	0.20 0.00 0.00	175.00 T@7	35.00
			Telephone conference with Trust Fund employee, Richard Oginski regarding the basis for the estimate; proceeding with our motion for default judgment.				
359381	6/10/2008	TIME	WIP	DPM Billable CTF-C./N7600/23627	2.00 0.00 0.00	175.00 T@7	350.00
			Review court file to determine if Answer filed; review office file for Answer; confirm Answer due dates; review U. S. District Court website to verify the date and time that the presiding Judge hears motions; prepare motion for default judgment pursuant to F. Rul. Civ. P. 55 for failure to Answer or otherwise plead.				
Grand Total				Billable	8.65		1513.75

6/10/2008  
11:53 AMWHITFIELD, McGANN & KETTERMAN  
Slip Listing

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Slip ID Dates and Time Posting Status Description	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
	Unbillable	0.00		0.00
	Total	8.65		1513.75

*Filing Fees* \$ 350.00  
*Service Fee* \$ 55.00

\$ 1,918.75

**STERN PROCESS & INVESTIGATION, LLC**

Tax ID 04-3801615

205 W. RANDOLPH ST 1210

CHICAGO, IL, 60606

Phone (312)-853-2150

Fax (312)-853-3119

**Customer**

WHITFIELD, MCGANN &amp; KETTERMAN

111 E WACKER DRIVE 2600

CHICAGO, IL, 60601

Phone: (312)-251-9700

Fax: (312)-251-9701

**Invoice# 177218**

Date Of Invoice: 2/21/2008

Plaintiff: Trustees of the Regional Council of Carpenters

Court CaseID: 08C791

Firm# N7600/DPM

Case Returned Date: 3/14/08

County: UNITED STATES DISTRICT COURT

Process Server: LARRY E. BIELA

ProcessType: SUMMONS AND COMPLAINT

Defendant:#1 Douglas G. Paice d/b/a Drywall, Inc.

Type Of Service: PERSONAL SERVICE

Person Served: DOUGLAS PAICE

Date Of Service: 2/21/2008

Time: 8:12 AM

Sex MALE

Age 45

Height 6'3

Build MEDIUM

Hair Color BROWN

Race WHITE

Defendant:#2

Type Of Service:

Person Served:

Date Of Service:

Time:

Sex

Age

Height

Build

Hair Color

Race

Location 1621 Stone Ridge Lane , Algonquin, IL, 60102-663 Type Of Premise: SINGLE FAMILY HOME

Delivery Charge

\$55.00

Rush

\$0.00

Bad Address

\$0.00

Filing

\$0.00

No Contact

\$0.00

Investigation

\$0.00

Database/Skip

\$0.00

Advanced fees

\$0.00

**Total:****\$55.00**

Date Received

Check No

Amount Received

\$0.00

Balance Due

\$55.00

**INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED****PAYABLE UPON RECEIPT, 2% PER MONTH**